

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY JONES,

Petitioner,

Case No. 20-cv-11476
Hon. Matthew F. Leitman

v.

KRIS TASKILA,

Respondent.

**ORDER (1) DISMISSING PETITIONER’S
AMENDED PETITION (ECF No. 22) WITHOUT PREJUDICE AND
(2) CANCELLING VIDEO STATUS CONFERENCE**

In 2018, Petitioner Timothy Jones was convicted of two counts of aggravated stalking in state court in violation of Mich. Comp. Laws § 750.411i(2). On May 27, 2020, Jones filed a *pro se* petition for writ of habeas corpus in this Court pursuant to 28 U.S.C. § 2254. (See Pet., ECF No. 1.) Shortly after Jones filed his Petition, the Court issued a notice to Jones informing him that under the Court’s local rules, it was his obligation “to promptly file a notice with the Clerk and serve a copy of the notice on all parties whenever [his] address, e-mail address, phone number and/or other contact information changes” (the “Change of Address Notice”). (*See* Change of Address Notice, ECF No. 6, citing E.D. Mich. Local Rule 11.2.) The Change of Address Notice warned Jones that the “[f]ailure to promptly notify the court of a

change in address or other contact information may result in the **dismissal** of [his] case.” (*Id.*, PageID.57; emphasis in original.)

On July 23, 2023, Jones filed an Amended Petition in this action. (*See* Am. Pet., ECF No. 22.) The Court thereafter issued an order directing the parties to attend a video status conference, and it scheduled that conference for November 14, 2023, at 3:00 p.m. (*See* Notice, ECF No. 24.) It then attempted to serve that notice on Jones by mailing the notice to the address that Jones provided the Court. (*See* Dkt.)

On October 13, 2023, the Court’s order was returned to the Court as undeliverable. (*See* ECF No. 25.) The return of the Court’s order as undeliverable indicates that Jones has failed to comply with Local Rule 11.2 by informing the Court of his current mailing address. This is not a mere technical violation of the rules. Without a current address, the Court has no way of administering this civil action. The Court therefore concludes that dismissal of Jones’ Amended Petition without prejudice is appropriate. *See, e.g., See White v. City of Grand Rapids*, 34 F. App’x 210, 211 (6th Cir. 2002) (affirming dismissal of complaint based upon failure to provide current address); *Alam v. Carvajal*, 2020 WL 4583837, at *2 (E.D. Mich. Aug. 10, 2020) (explaining that plaintiff’s case was “subject to dismissal” due to plaintiff’s failure to comply with Local Rule 11.2 by providing an updated mailing address).

Accordingly, for all of the reasons stated above, and because Jones has failed to comply with Local Rule 11.2 by updating his current address, **IT IS HEREBY ORDERED** Jones' Amended Petition (ECF No. 22) is **DISMISSED WITHOUT PREJUDICE**. The Court further declines to issue Jones a Certificate of Appealability and declines to grant Jones permission to appeal *in forma pauperis*. Finally, the previously scheduled November 14, 2023, status conference is **CANCELLED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: October 16, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 16, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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